

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD HOLTZ,

Plaintiff,

v.

MARTHA KARR, MARVIN SPENCER,
SGT. BRASWELL, DANNY OTA, M.
JOURNEY, RICHARD ODEGARD,
PIERCE COUNTY, PIERCE COUNTY
SHERIFF DEPARTMENT, PAT KELLY,
VINCENT GOLDSMITH, MARY
SCOTT, SHARLA JAMES-
HUTCHISON,

Defendant.

CASE NO. C12-5111 RJB/KLS

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the court on the Report and Recommendation of the United States Magistrate Judge Karen L. Strombom (Dkt. 100) that Defendants' Second Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. 90) should be denied as to plaintiff's First Amendment religious claims, and granted as to the remainder of the claims. The parties were given until February 14, 2014 to file objections. Dkt. 100 at 12. On February 18, 2014, plaintiff

1 filed his objections (Dkt. 103). Plaintiff's objections are similar to the arguments he initially
2 presented to the magistrate judge and are without merit.

3 The Court, having reviewed the Report and Recommendation of United States Magistrate
4 Judge Karen L. Strombom (Dkt.100), and the remaining record, does hereby find and **ORDER:**

5 (1) Plaintiff's Objections (Dkt. 103) are without merit. The Report and
6 Recommendation is **ADOPTED**.

7 (2) Defendants' Second Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim
8 (Dkt. 90) is **DENIED** as to: First Amendment religious claims against defendant Pierce County
9 only.

10 (3) The remainder of Defendants' Second Rule 12(b)(6) Motion to Dismiss for
11 Failure to State a Claim (Dkt. 90) is **GRANTED**. The remainder of plaintiff's claims are
12 **DISMISSED** with prejudice.

13 (4) Plaintiff's Motion to Supplement the Amended Complaint (Dkt. 94), Motion for
14 Extension of Time (Dkt. 95), and Objection to Defendant's Motion to Dismiss (Dkt. 96) are
15 **DENIED**.

16 (5) This matter is **RE-REFERRED** to Magistrate Judge Karen L. Strombom for
17 further proceedings.

18 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
19 to any party appearing *pro se* at said party's last known address.

20 Dated this 10th day of March, 2014.

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23 ROBERT J. BRYAN
24 United States District Judge